**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**
**ORIGINAL JUDRISDICTION**
Dated Nainital the 28th March, 2006
**IInd Bail Application No. 182 of 2006**
Order on the bail application of accused.

**CRIMINAL SIDE**

Bhairav Datt Joshi
S/o Bishan Datt
R/o Village Nargawari, Patti Gagrigol,
Tehsil Garur,
District Garur,
District-Bageshwar ..... Applicant

**Versus**

State of Uttaranchal ..... Opposite Party

In Case Crime No. 42 of 2005
U/s 307, 302 I.P.C.
Patwari Area Gagrigol,
Tehsil- Garur
District-Bageshwar

**Hon'ble J.C.S. Rawat, J.**

This is the IInd Bail application moved by the applicant. The first bail application was rejected on the ground that learned counsel or the accused-applicant did not appear before the court and the application was rejected for non-prosecution.

Heard Sri Rajeev Singh Bisht-learned counsel for the applicant, learned AGA for the State and perused the record.

The report was lodged without nominating the accused. During the investigation certain witnessed were examined immediately after the occurrence. None of the witnesses has implicated the accused in the said offence. The statement of Km. Meena was recorded before the Investigating Officer on earlier occasion and she has state that she and her brother brought the water from the tap near to her house and one old lady met them in between the house of the tap. It is also allege that tea and breakfast of Halwa of Suji was prepared by the same water. Later on, on 01.11.2005, statement of the same witness who is aged about 10 years recorded and she has stated that she went against to fetch the water from the tanki and thereby has narrated the story that Bhairav Datt asked her to give him water and she went inside his house to bring the glass and he kept the pot at the wall outside his house and she show through a small bottle and he did not take the

water. It was contended that this is an afterthought story and it was never stated in her statement recorded earlier immediately after the incident.

Considering the fact san circumstance of the case in totality, it is a fit case for bail.

Let the applicant-accused, Bhairav Datt be released on bail on furnishing a personal bond and tow sureties each in the like amount to the satisfaction of the CJM concerned.

**(J.C.S. Rawat, J.)**

Dated 28.03.2006
Shiv